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July 25, 1996

BY MESSENGER

Mr. William F. Caton, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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JUL 25 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: Ex Parte Notification
CC Docket 95-185

Dear Mr. Caton:

Sprint Spectrum L.P. hereby notifies the Commission that the attached letter was delivered by messenger to Michelle Farquhar, Esq., chief of the Wireless Telecommunications Bureau, and the other FCC staff members shown on the face of the letter prior to 3:00 p.m. today.

Please direct any inquiries concerning this matter to the undersigned.

Very truly yours,



Kurt A. Wimmer

Attorney for Sprint
Spectrum, L.P.

Enclosure

cc: FCC staff members shown
on attached letter

No. of Copies rec'd 071
List A B C D E

Sprint Spectrum L.P.

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Vice President, Public Affairs
1801 K Street, N W, Suite M112
Washington, D. C. 20006
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July 25, 1996

By Courier

Michele Farquhar, Chief of the Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NW, Suite 5002
Washington, DC 20554

RECEIVED

JUL 25 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: **EX PARTE**
CC Docket No. 95-185

Michele
Dear Ms. ~~Farquhar~~,

Sprint Spectrum, and the CMRS industry generally, demonstrated in this docket that the Commission should establish a nationwide policy for CMRS-LEC interconnection under Section 332 of the Communications Act to further the important federal interest in wireless telecommunications. A clear federal policy on CMRS-LEC interconnection is doubtlessly the most pro-competitive step the Commission could take at this time. Should the Commission determine, however, that LEC transport and termination of CMRS traffic must be governed by Section 252 of the 1996 Act, it must make this decision in a manner which respects the unique characteristics of wireless service. Attached is a list of essential elements in this regard.

Please call if you have any questions.

Sincerely,

Jon
Jonathan Chambers

Attachment

cc: Ms. Gina Keeney
Ms. Karen Brinkman
Mr. Larry Atlas
Mr. John Nakahata
Ms. Jackie Chorney
Ms. Lauren "Pete" Belvin
Mr. James Coltharp
Ms. Suzanne Toller
Mr. James Casserly
Mr. David Sidall
Mr. Gregory Rosston

1. **Interim Rate.** The Commission should establish a rate by which the transport and termination of traffic will be priced under Section 252(d)(2) for an interim period of 12 months or until the procedures under Section 252 can be satisfied and long-term arrangements can be established.
2. **CMRS Parity with CLECs.** Section 252(i) provides that all "telecommunications carriers" are entitled to any "interconnection, service or network element" on the same "terms and conditions" as such an element is provided to any other telecommunications carrier. While Section 252(i) applies only to network elements provided by agreements "approved under this section," and no agreements have been approved to date, the intent of Congress quite clearly was to permit all "telecommunications carriers" to be treated equally for purposes of interconnection. As a matter of federal policy, LECs should be required to make available to CMRS telecommunications carriers the rates currently provided to other carriers.
3. **Divisibility of Interconnection Agreements.** The text of Section 252(i) makes it clear that network elements must be assessed separately and that cost structures for separate elements must be made available separately. LECs must make available to *any* telecommunications carrier "any interconnection, service or network element" provided to another carrier on the "same terms and conditions as provided in the agreement." The rate for the termination and transport of traffic must be available to CMRS providers. LECs should not be permitted to effectively fence out CMRS providers by, for example, insisting on a particular level of traffic balance as a precondition to providing the same rates, terms and conditions.
4. **Symmetry of Charges Between LECs and CMRS.** Different network configurations between LECs and CMRS providers must not lead to asymmetrical charges by LECs. For example, a CMRS network includes "transport" facilities that link base stations and switches in the same manner that a LEC network has interoffice trunks for transport of traffic between tandem and end offices. Any element of termination and transport for which the LEC will charge a CMRS provider must be treated symmetrically.
5. **Local Calling Areas v. Authorized Service Areas.** The Commission, at great effort and after a years-long rulemaking proceeding, adopted major trading areas and basic trading areas for PCS licensing. Among the benefits of MTA/BTA licensing was the ability of the marketplace and the flow of commerce to define how telecommunications services would be made available. The ability of PCS carriers to structure their rates to reflect the flow of commerce will be lost if LECs are permitted to impose proxy access charges on PCS providers. Under such a scheme, calls that originate in certain areas of a PCS provider's licensed area would bear a higher interconnection rate, even though the PCS carrier would not be utilizing the LEC's transport facilities. The FCC should forbid LECs from unilaterally imposing local calling areas upon PCS service areas.
6. **Preservation of Section 332(c)(3).** CMRS providers must not be put in the position of giving up their right under Section 332(c)(3) to be free of state rate and entry regulation to obtain their right to fair and equal treatment as "telecommunications carriers" under Section 252(i). State regulation proscribed by Section 332(c)(3) includes certification and tariff filing requirements, prior notification of rate changes, approval before discontinuing service, and specific service requirements.